

09.01.2024

213
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4771 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chindurah Sadar Excise** Station S.I.'s Sl No. **34** of **2023** dated **10.05.2023** under Sections 46A©(ii) & 52 of the Bengal Excise Act.

And

In Re : Abhijit Chowdhury @ Bapan

..... petitioner

Mr. Sudip Ghosh Chowdhury

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 by the Coordinate Bench.

By such order dated October 17, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

Apparently, illegal liquor was recovered from the co-accused. Apparently, such co-accused named the petitioner.

No recovery was made from the petitioner.

In such circumstances, we deem it appropriate to confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner will meet before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)